

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,)	
)	
Plaintiff,)	Civil Action No. 05-0093E
)	
V.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
LT. WILLIAM McCONNELL,)	
)	
Defendant.)	Electronically Filed.

DEFENDANT'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DOCKET # 65

AND NOW, comes the defendant, Lt. William McConnell, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Mariah L. Passarelli, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully submits the following:

1. Plaintiff, Ryan Kerwin, inmate number EZ-0246, is a *pro se* prisoner currently in the custody of the Pennsylvania Department of Corrections (DOC) in the State Correctional Institution at Albion.
2. Plaintiff has brought the instant action pursuant to 42 U.S.C. § 1983 against an individual employed by the DOC.
3. An Order was issued by this Honorable Court on November 29, 2006 dismissing without prejudice the defendant's previously filed Motion for Summary Judgment, and directing that the defendant file a Renewed Motion for Summary Judgment within 30 days (i.e., by December 29, 2006). (See Docket # 64).

4. The Plaintiff has since filed objections to this Order that have triggered an investigation of sorts into the ability of the defendant to file this Renewed Motion for Summary Judgment. (See Doc. # 65).

5. As part of this investigation, a transcript of the March 3, 2006 Motion Hearing held in this case has been ordered by this Honorable Court, and remains forthcoming. (See Doc. # 65-2).

WHEREFORE, the defendant requests until January 30, 2007 to respond to Plaintiff's [Doc. # 65-1] Objections to the [Doc. # 64] Order.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General
PA I.D. No. 202469

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-3579

Date: December 18, 2006

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RYAN KERWIN,)	
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Defendant's Motion for Extension of Time to Respond to Docket # 65** was electronically filed and served upon the following via first-class mail:

RYAN KERWIN
DZ-0246
SCI-Albion
10745 Route 18
Albion, PA 16475-0004

/s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General

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564 Forbes Avenue
Pittsburgh, PA 15219

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Date: December 18, 2006